

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RIGHT NOW TECHNOLOGIES, INC.,

Plaintiff,

v.

Case No. 2:11-CV-00737-PJG

LODSYS, LLC,

Defendant.

PLAINTIFF'S MOTION FOR LEAVE TO AMEND

COMES NOW Plaintiff RightNow Technologies, Inc. ("RightNow"), pursuant to Federal Rule of Civil Procedure 15(a) and Civil L.R. 15, and respectfully seeks leave to amend its complaint

This lawsuit was filed on August 4, 2011 against Lodsys, LLC ("Defendant" or "Lodsys"). (Dkt. 1). On September 30, 2011 Lodsys filed its Motion to Dismiss or for a more definite statement. (Dkt. 9). No pretrial conference has yet been scheduled, nor has a scheduling order been entered.

The Federal Rules provide that "leave to amend shall be freely given when justice so requires." Fed. R. Civ. P. 15(a). As discovery has not commenced and no scheduling order has yet been entered, there will be no prejudice to Lodsys in granting leave to amend. As such, for all the reasons set forth herein and in RightNow's Opposition to Lodsys' Motion to Dismiss/Memorandum in support of its alternative Motion for Leave to Amend, RightNow respectfully requests that the Court grant this motion. Pursuant to Civil L.R. 15(b), RightNow attached hereto its proposed amended pleading, in the form of Exhibit A.

November 21, 2011

Respectfully Submitted,

By: s/ Michael J. Hanrahan

Michael J. Hanrahan

mjhanrahan@foslaw.com

Fox, O'Neill & Shannon, S.C.

622 North Water Street, #500

Milwaukee, WI 53202

Telephone: 414-273-3939

Fax: 414-273-3947

William B. Kircher

bill.kircher@huschblackwell.com

HUSCH BLACKWELL LLP

4801 Main Street, Suite 1000

Kansas City, MO 64112

Telephone: 816-983-8160

Fax: 816-983-8080

Robert C. Haldiman

robert.haldiman@huschblackwell.com

HUSCH BLACKWELL LLP

190 Carondelet Plaza, Suite 600

St. Louis, MO 63105

Telephone: 314-480-1500

Fax: 314-480-1505

Attorneys for Plaintiff RightNow Technologies

CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2011, I electronically filed Plaintiff's Motion for Leave to Amend with the Clerk of Court using the ECF system which will send notification of such filing to all parties of record:

/s/ Michael J. Hanrahan

Michael J. Hanrahan
State Bar No. 1019483
Attorney for Plaintiff
Fox, O'Neill & Shannon, S.C.
622 North Water Street, Suite 500
Milwaukee, WI 53202
Phone 414-273-3939
Fax 414-273-3947
mjhanrahan@foslaw.com